

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

EDWARD THOMPSON,	:	Case No. 2:22-cv-682
	:	
Plaintiff,	:	
	:	
vs.	:	District Judge James L. Graham
	:	Magistrate Judge Peter B. Silvain, Jr.
JAMES SKAGGS,	:	
	:	
Defendant.	:	
	:	

ORDER AND DEFICIENCY NOTICE

This civil rights matter is before the Court on Plaintiff's Application to Proceed *In Forma Pauperis* and without the prepayment of fees. (ECF No. 1). The Application was received by the Clerk and filed on February 14, 2022. According to the Application and the Complaint submitted with it, Plaintiff is an inmate at Ross Correctional Institution.¹ (*Id.* at PageID 3; Complaint, ECF No. 1-1 at PageID 10, 23, 27, 29). Because he is a prisoner, Plaintiff's filings are subject to the requirements of the Prison Litigation Reform Act, including the requirements for seeking *in forma pauperis* status. *See generally In re Prison Litig. Reform Act*, 105 F.3d 1131 (6th Cir. 1997).

Plaintiff has submitted the appropriate Application form under 28 U.S.C. § 1915(a). However, Plaintiff signed his Application on December 24, 2020, over a year ago. (ECF No. 1 at PageID 3). The trust fund account statement attached to his Application shows account

¹ According to the return address on the envelope in which Plaintiff submitted his documents (ECF No. 1-5 at PageID 30), and the Ohio Department of Rehabilitation & Correction website, Plaintiff is currently incarcerated at Southern Ohio Correctional Facility. *See* <https://appgateway.drc.ohio.gov/OffenderSearch/Search/Details/A649160> (accessed February 16, 2022).

transactions from June 1, 2020, through December 29, 2020. (*Id.* at PageID 4). No certificate from the institution was provided.

The Application does not satisfy the requirement that a prisoner seeking to proceed without prepayment of fees file an affidavit and “certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for *the 6-month period immediately preceding the filing of the complaint.*” 28 U.S.C. § 1915(a)(1)-(2) (emphasis added); *In re Prison Litig. Reform Act*, 105 F.3d at 1133 (the date the complaint is filed with the clerk, and not the date the prisoner signs or mails it, is the controlling date). The Court therefore does not have sufficient current information before it to determine whether Plaintiff should be permitted to proceed *in forma pauperis* in this action.

To proceed, Plaintiff must either pay the \$402 filing fee, or file an updated application to proceed *in forma pauperis*, with the appropriate attachments, **WITHIN THIRTY (30) DAYS OF THE DATE OF THIS ORDER.** For convenience, the Clerk is **DIRECTED** to forward to Plaintiff a blank copy of the Application form. Plaintiff is cautioned that failure to comply with this Order and Deficiency Notice may result in the denial of his pending Application and assessment of the full filing fee, or the dismissal of this action for failure to prosecute.

Plaintiff is also **DIRECTED** to keep the Court informed of his current address and promptly file a notice of new address if he is released or transferred to a different institution.

IT IS SO ORDERED.

March 1, 2022

s/Peter B. Silvain, Jr.

Peter B. Silvain, Jr.
United States Magistrate Judge